



US Army Corps  
of Engineers®

# REGULATORY GUIDANCE LETTER

No. 02-1

Date: 1 March 2002

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SUBJECT: Inclusion of disclaimer statements in jurisdictional letters indicating that Clean Water Act (CWA) jurisdictional determinations/delineations may not meet the requirements of the Food Security Act (FSA) of 1985

## 1. Purpose and applicability

a. **Purpose.** The purpose of this guidance is to require a disclaimer statement in Corps of Engineers District letters identifying the extent of jurisdiction under the CWA and to make it clear that a CWA delineation/determination may not meet wetland conservation provisions of the FSA.

b. **Applicability.** This guidance applies to jurisdictional delineations/determinations that occur on lands subject to the wetland conservation provisions of the FSA, or that are made for participants in U.S. Department of Agriculture farm programs.

## 2. General Considerations.

The following paragraph is required for jurisdictional letters on lands covered under 1(b) above, and is optional for all others:

"This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work."

3. **Duration.** This guidance remains effective unless revised or rescinded.

FOR THE COMMANDER:

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Major General, U.S. Army  
Director of Civil Works